

ENVIRONMENTAL QUALITY COUNCIL

October 29 and 30, 1998

Original Minutes with Attachments

COUNCIL MEMBERS PRESENT

Rep. Vicki Cocchiarella, Co-Chair
Sen. Ken Mesaros, Co-Chair
Sen. William Crismore
Sen. Vivian Brooke
Sen. Lorents Grosfield
Sen. Bea McCarthy
Rep. William Tash

Rep. Karl Ohs
Sen. Barry Stang
Ms. Julie Lapeyre
Ms. Jeanne-Marie Souvigney
Mr. Jerry Sorensen
Mr. Gregory Tollefson

COUNCIL MEMBERS EXCUSED

Rep. George Heavy Runner
Rep. Haley Beaudry
Rep. Kim Gillan
Mr. Bill Snoddy

STAFF MEMBERS PRESENT

Mr. Todd Everts
Ms. Kathleen Williams
Ms. Mary Vandenbosch
Judy Keintz, Secretary

VISITORS' LIST

Attachment #1

COUNCIL ACTION

- Agreed that the FWP information regarding illegal fish introductions and game farms be added to the appendix of the compliance and enforcement report.
- Accepted all agency enforcement and compliance reports submitted with the recommendation that next biennium the report by the Department of Environmental Quality include more integration of the compliance and enforcement measures.
- Agreed to request a draft resolution recommending that public agencies be role models for the implementation of best management practices that promote environmental protection.
- Adopted the three Water Policy Subcommittee reports.
- Adopted the proposed chapter to the State Water Plan.
- Approved the bill draft request for instream flow legislation.

- Approved the bill draft request for the brownfield study resolution.
- Adopted the tentative findings and recommendations of the growth subcommittee and authorized the staff to draft legislation as recommended in Exhibit 10.
- Approved the minutes of the September 10, 1998 meeting.
- Set the next meeting date for Friday, December 4, 1998, in Helena.

I CALL TO ORDER AND ROLL CALL

CO-CHAIR COCCHIARELLA called the meeting to order at 3:00 p.m. Roll call was noted: REP. HEAVY RUNNER, REP. BEAUDRY, REP. GILLAN, and MR. SNODDY were excused. **(Attachment #2.)**

II UPDATE ON THE 1999 AGENCY LEGISLATIVE PROPOSALS

A. Department of Environmental Quality (DEQ)

Director Mark Simonich reviewed the report of the 1999 Legislative Proposals which the DEQ had provided to the Council members, **Exhibit 1**.

He explained that the general proposals were presented to the Governor in May of this year. Following approval the department developed the draft legislation. The DEQ is submitting 13 bills; twelve are department bills and the thirteenth bill is from the Petroleum Tank Release Compensation Board. This Board is attached to the department for administrative purposes.

1. Extension of State Building Energy Conservation Program

Director Simonich remarked that this program has been very successful. This bill authorizes the issuance of general obligation bonds to finance cost-effective energy-efficiency improvements in state-owned buildings, thus reducing operating costs. This is an established program that requires legislation each year to authorize a bond ceiling for the biennium.

2. Revision of Membership of Board of Plumbers

One of the members of the Board of Plumbers listed in the statute is a sanitary engineer. This job classification has been changed to environmental engineer. DEQ employees have served as the appointed agency representative to the Board of Plumbers since the reorganization. This legislation will change this position to a representative of the DEQ who must have experience in the regulation of drinking water systems.

3. Extension of the Voluntary Cleanup and Redevelopment Act

During the last legislative session, amendments to CECRA were passed. These amendments provided for an alternative to the strict joint and several liability provisions within state law so that potentially responsible parties could apportion their shares of liability. This act terminates on June 30, 2005. These amendments

were intended to work with amendments which had been passed in the 1995 Session. This legislation sunsets on January 1, 2001. The recommendation in the proposed legislation will eliminate the sunset provisions in both bills and make the laws permanent.

4. General Revision of Hazardous Waste Laws

It is anticipated that the EPA will pass rules requiring states to have a corrective action authority. This legislation is in anticipation of that rule and would help the department maintain primacy over the federal program. This provision specifically deals with providing the department the authority to issue an order requiring a corrective action or another response measure that may be necessary to protect public health or the environment. It would also allow the department to commence a civil action.

5. General Revision of Septic Tank, Cesspool, and Privy Cleaners Law

Septage was formerly regulated by the Food and Consumer Safety Bureau of the Department of Health and Environmental Sciences and was handled by the county sanitarians. Reorganization assigned this to the DEQ. The modifications will move this program closer to the federal requirements.

6. General Revision of the Asbestos Control Act

The current enforcement authority under the statutes is inconsistent and limits the DEQ's ability to take action for certain violations. An example is that the act provides a greater penalty for a person who performs asbestos-related work without accreditation or permit than it does for an accredited person who purposely or knowingly violates the law. This would provide the department with administrative penalty authority of up to \$10,000 a day for each violation not to exceed \$80,000 each day.

7. Uniform Environmental Enforcement Act

The DEQ is attempting to standardize procedures across a number of the acts that they are responsible for administering so that the procedures of pursuing a violation through enforcement would be similar. This would allow the public to understand the steps and the regulated community would see that they are being treated the same under any one of those acts.

8. General Revision of Water Quality and Public Water Supply Acts

The major points under the Water Treatment Plant Operators Act would be clarifying which systems are exempt from the water treatment plant operators' requirements and adding a provision exempting the certified operator requirement for systems that do not contain a treatment facility, obtain all its water from a public water supply system and does not sell water. Under the Water Quality Act it would provide the same nitrate nondegradation significance threshold for multi-family septic systems as is provided to individual septic systems and exclude from ground water permitting any activity regulated by the EPA in its underground injection well program. There are five classes of underground injection control wells. Currently the authority for one of those classes has been delegated through the Department of Natural Resources

(DNRC) to the Oil and Gas Conservation Board. The other four classes are not delegated to any state agency. The DEQ is interested in pursuing one of the classes.

Under the Public Water Supply Act the amendments would: 1) increase the administrative penalty from \$500 to \$1000; 2) delete the prohibition against building or operating a railroad, logging road, logging camp or electric or manufacturing plant of any kind in a watershed of a public water supply system without a DEQ permit and without meeting sanitary restrictions prescribed by the Board; and 3) repeal the enforcement response section of the act which requires the issuance of a letter notifying the person of the violation and requiring compliance prior to taking any other action.

9. General Revision of Air Quality Act

This is to clarify procedures for compliance with the Montana Environmental Policy Act (MEPA). The major points are: 1) exempting approvals of applications to transfer portable emission sources from one location to another from the environmental impact statement (EIS) requirements, and 2) eliminating the requirement for the operating permit fees and the construction permit fees to be maintained in separate accounts in the state special revenue fund.

10. General Revision of Metal Mine Reclamation Act and Opencut Acts

Under the Metal Mine Reclamation Act this would: 1) clarify the definition of placer deposits; 2) extend the small miner permit requirement for ore processing to include other types of metal leaching solvents or reagents instead of only cyanide; 3) specifically prohibit use by a small miner of mercury except in a contained facility that would prevent escape of any mercury into the environment; 4) provide for the increase of the exploration license fee from \$5 to \$25 and the operating permit fee from \$25 to \$100; and 5) eliminate the authority of an applicant for a permit on which the DEQ is preparing an EIS to review the department's list of acceptable third-party contractors and delete one-half the contractors on the list.

The changes to the Opencut Mining Reclamation Act are shown on pages 13 and 14 of Exhibit 1.

11. General Revision to the Underground Storage Tanks Act

Currently the department inspects any given underground storage tank once every five or six years. There is no specific requirement to inspect the tanks. With approximately 6,000 underground storage tanks in the state there is a large potential for contamination from leaking tanks. This proposal is an innovative approach to regulating these tanks. The department will require that every facility with underground tanks be inspected annually. The inspections will be able to be performed by third-party inspectors. The state will certify inspectors. This is a benefit to the regulated community. An individual owner or operator may not know if they are fully in compliance with the state statutes. In order to be eligible for reimbursement for clean up under the Petroleum Tank Release Compensation Fund, they will need to show that they were in compliance.

12. General Revision of Subdivision Laws

Local governments have concerns with this proposal. Counties have specific subdivision review authority under the Subdivision and Platting Act. The DEQ has specific authority under the Sanitation in Subdivision Act. The department is trying to eliminate some of the duplication and to clarify the authority of each agency. A task force has been working on this proposal. Local governments feel that their authority would be usurped by this proposal. This was not the intention of the proposal. Negotiations are continuing and a concept paper is being developed in hopes of finding a solution. If a solution cannot be reached, this proposal will not go forward.

13. Revision of Eligibility Criteria for Reimbursement Under the Petroleum Tank Release Compensation Act

This proposal changes wording to be consistent throughout the statute. The department is trying to clarify which applicable state and federal laws need to be complied with in order to be eligible.

MS. SOUVIGNEY asked if there were any policy changes in the enforcement legislation.

John Arrigo, DEQ, explained that the policy changes would give the department the ability to issue a standard set of orders under all the environmental laws. Also, the department is required to send a notice to inform the violator and give them an opportunity to comply before a penalty is assessed. They have discovered that many of these violations are one time occurrences.

MS. SOUVIGNEY asked the status of the compliance and enforcement manual that is being developed by the department. **Director Simonich** stated that the manual is in draft form and is not dependent on the passage of the legislation.

CO-CHAIR COCCHIARELLA asked how long the general revision of enforcement had been under consideration. **Director Simonich** explained that they have been working on the concept for a long time.

CO-CHAIR COCCHIARELLA stated that compliance and enforcement has been a major project for the EQC and the Council would have appreciated an earlier opportunity to review the proposals.

Mr. Arrigo stated that their draft manual would be provided to the Council. The manual primarily describes internal DEQ procedures.

B. Department of Natural Resources and Conservation

Randy Mosley, DNRC, stated that their proposals have been submitted to Legislative Council and their drafts are still being edited and revised. He provided a recap of the department's proposed legislation, **Exhibit 2**.

1. Trust Land Management Division - LC 0126 - This legislation would change the funding of the trust land administration programs within the department. A current mixture of general fund and state special funds would be changed to only state special funds – predominately from a share of the revenues generated by the administration of the state trust lands and also a portion of the interest from the permanent land grant funds. This would free approximately \$3 million of General Funds.

2. Trust Land Management Division - LC 0121 - This would remove the sunset provision on the 3% resource development account deduction. These monies are used to fund projects that enhance or develop state trust lands. In the 1997 Session the DNRC submitted a bill to increase the percentage from 2½ to 3%. A sunset provision was applied. They are asking for the sunset provision to be removed. They have a project that involves a rewrite of the trust land management division database.

3. Trust Land Management Division - LC 0125 - This legislation would revise the method of leasing state grazing and agricultural lands. This would only pertain to agricultural leases that are issued through competitive bidding on a competitive bid greater than 1/3 crop share. This would allow the department discretionary authority to reinstate a lease in case of nonpayment by the due date.

4. Trust Land Management Division - LC 0151 - This proposal would allow for reciprocal access agreements to be negotiated on all classifications of isolated trust lands. Reciprocal access negotiations have been successful on classified forest tracts. This allows access to all isolated tracts.

5. Trust Land Management Division - LC 0082 - This proposal would preclude litigants bringing suit against an administrative agency under MEPA from introducing any issues or evidence that they did not first present to the agency for its consideration prior to the agency's MEPA decision. State action as defined in MEPA would be restricted to agency proposed and initiated actions and to clarify that an agency has no obligation to prepare an environmental review document under MEPA where the agency chooses not to take any action although it has the authority to do so.

6. Trust Land Management Division - LC 0154 - Legislation that would require the Department of Revenue (DOR) to provide DNRC with reappraisal values every 5 years for all cabin site licenses and leases. They are required by statute to use the DOR appraisals for determining lease rates on their cabin and home site leases. The DOR supports this proposal.

7. Trust Land Management Division - LC 0179 - This proposal would amend or repeal sections of trust land management laws that have been declared unconstitutional.

8. Board of Oil and Gas Conservation - LC 0106 - This legislation would remove the restriction on using priority reclamation and development grant funds for personal services and operating expenses incurred while performing well plugging oversight activities.

9. Conservation and Resource Development Division - LC 327 - This legislation would change the allocation of the RIT fund for Reclamation and Development Grants, Renewable Resource Grants, the Water Storage Account, the Orphan Share Account and Oil and Gas Damage Mitigation Account. This would allocate a fixed amount of revenue to fund natural resource projects that more closely reflect the purpose of the RIT trust. The DNRC would be removed from being administratively funded from RIT.

10. Conservation and Resource Development Division - LC 081 - This would authorize \$15 million in general obligation bonds to provide state matching funds for the state water pollution control state revolving fund. This increases the authority for general obligations from \$15 million to \$30 million. The bonds are matched with EPA Federal Grant funds and are used for loans to communities.

11. Conservation and Resource Development Division - LC 149 - This generally revises laws relating to the safe drinking water and wastewater treatment revolving funds.

12. Conservation and Resource Development Division - LC 083 - This legislation would increase from \$10 million to \$20 million the authority to issue general obligation bonds to make loans to individuals and water associations under the Renewable Resource Grant and Loan Program.

13. Water Resources Division - LC 120 - This legislation would remove the restriction on to whom the department may sell power generated by the Broadwater hydroelectric power project. They are limited by statute to whom they can sell power generated from that facility. Due to deregulation, this restriction needs to be removed so they can compete freely and to sell power to any entity.

14. Water Resources Division - LC 123 - This legislation allows the lease of state water project lands for state parks for a term not to exceed 30 years. This would allow the department to renew or enter into leases with the Department of Fish, Wildlife and Parks for up to 30 years.

15. Water Resources Division - LC 150 - This legislation limits the requirement that the legislature affirm a change of water right authorization issued by the department for 4,000 or more acre-feet per year and 5.5 or more cubic feet per second of water to change authorizations for uses outside of Montana. This would make the process for approving large change authorizations the same as for approving large permit applications.

16. Water Resources Division - LC 152 - This would change the drought advisory committee meeting date to on or around March 15 of each year. A better assessment of the moisture conditions is available in March and they would like the second meeting date changed to March 15.

17. Water Resources Division - LC 153 - This legislation generally revises the Montana Water Use Act and is clean up language.

18. Water Resources Division - LC 155 - This proposal would adjust the construction cost limits for which competitive bidding procedures must be followed on state water projects. The intent is to try to make their requirements consistent with that of other agencies who engage in similar construction. This is typically for contracts associated with the maintenance of a project.

19. Water Resources Division - LC 180 - This legislation deletes unnecessary statutory procedures for disposing of canal projects owned by the department and providing a preference for the existing water users associations for the disposal of water projects owned by the department.

20. Forestry Division - LC 122 - This legislation generally revises the laws related to fire hazard reduction by providing for a definition of private forest lands which would purposely exclude towns from the definition to acknowledge that the communities have jurisdiction over slash within the city limits. This would also allow the department discretion to withhold issuing a fire hazard reduction agreement.

21. Water Resources Division - LC 124 - This legislation would clarify the liability for fire suppression cost and establish a fire prevention account to deposit up to \$100,000 of the annual collections for man-caused fires.

MS. SOUVIGNEY asked if the exclusion in #5 was restricted to renewals or assignment of leases where the use stays the same. **Tom Butler, DNRC Staff Attorney**, explained that where there is no existing change in the state policy and the contract merely exists, there is no change to the environment and therefore no need for a MEPA review. If the contract rights remain the same, the state action has already occurred.

CO-CHAIR COCCHIARELLA questioned if this would change if the other party to the contract engaged in an entirely different activity. **Mr. Butler** stated that this legislation stems from a Ravalli County case where they had a lessee who changed his operation from cattle to sheep grazing on a state grazing lease. The lease did not designate what class of livestock should be grazed. This raised the issue of state oversight of purely private activities. A state lessee may decide not to plant a wheat crop in a certain year. Hunting groups could say they like to hunt on state ground and want the wheat crop in place. Would the state need to prepare an environmental review document? Under the Ravalli County case, they would. This would be a historical change in lease use that has an impact on the local wildlife. However, there is no authority by the state to force the person to plant a wheat crop. The focus of MEPA needs to be returned to state initiated actions. It is not their intent to evade MEPA.

CO-CHAIR COCCHIARELLA questioned whether #15 would take away legislative oversight. **Mr. Mosley** explained that the Legislature would still have to approve changes if the water is transported out of state. Presently there is a requirement that the Legislature approve a large change of water use. In northeastern Montana they are receiving requests from individuals who want to start sugar beet production. The DNRC is precluded from approving this request due to the size and the fact that this is a change of water use

authorization. The department can approve the large water permit. This involves modifying the requirement of the Legislature to affirm this change for a change of use requirement and only pertains to water used within Montana.

C. Department of Fish, Wildlife, and Parks

Paul Sihler, FWP, provided a report on the bills requested by FWP, **Exhibit 3**. He explained that their first legislative proposal amends the licensing statutes to create a preference system for license drawings for people who are unsuccessful in previous drawings. This also clarifies that 12 year olds may purchase a hunting license and hunt during a season in which they are 12 years old.

Their second legislative proposal clarifies authority related to the inspection of taxidermists. The practice has been that when a warden inspects a taxidermist he inspects the records and looks at the wildlife in the shop. The statute is very clear that the warden can examine the records. It is not so clear that the warden can look at the wildlife in the shop for comparison with the records. The taxidermists would like this information treated as confidential business information.

Another legislative proposal would extend an allocation related to fishing access sites for operation and maintenance. This would allow 50% of fishing license funds reserved for fishing access sites to continue to go toward maintenance and operation with a priority towards weeds. The bill sunsets in 1999 and they would like to renew this for another four years.

The FWP supports two other bills. One is being proposed by the EQC and would continue the department's water leasing program. The other bill is an extension of the HB 195 block management program. This bill is the product of Montana's Private Land/Public Wildlife Advisory Council. Their recommendations went out for public comment in September. This includes: 1) reauthorizing the existing program for another three years; 2) providing additional funding; 3) extending the moratorium on licensing of outfitters for another three years; 4) establishing a limit of ten, instead of 20, nonresident hunters a landowner can sponsor when the hunters purchase a landowner-sponsored deer combination license; and 5) proposing a change to the structure of the Board of Outfitters to include a landowner who does not outfit or charge a fee and an at-large sportsman.

MR. SORENSEN questioned the amount of funds involved in the 50% allocation for operation and maintenance of fishing access sites. **Mr. Sihler** stated that several years ago there was between approximately \$90,000 and \$120,000 in the account and half of that went to operation and maintenance.

III VOLUNTARY FORESTRY BEST MANAGEMENT PRACTICES REPORT

Chris Tootell, DNRC, reported that 47 new audit sites were investigated this year. On each site they investigated up to 45 best management practices and 10 SMZ law applications. There were four teams with

seven members on each team. The seventh member of a team was either a logging contractor or an NIPF landowner.

They looked at the application which includes whether or not BMPs were supposed to be applied and also whether they were properly applied. Over 1,600 practices were rated. Overall, 94% of the time they were applied properly. The effectiveness was also reviewed and it was found that 96% of the time the applied BMPs were effective.

They reviewed the departures involved with the SMZs. There were a total of 15 on the 47 sites. There were 25 departures in 1996. The nature of the departures included an SMZ not being properly flagged or not flagged at all.

Reaudits are a collection of eleven case studies. The sites selected were previously good sites. They had properly applied effective BMPs in their previous audits. They wanted to see if they continued to be effective. The conclusion is that the SMZ law is effective at preserving stream condition and function over time. BMPs are effective over time when properly designed and installed.

Opportunities for improvements include drainage features that will move the water off the road and into a filtration zone. Stream fill must be well armored. In instances where stream fill areas were not armored, there was sediment delivery into streams. In proper culvert sizing, alignment is critical. There were some instances where culverts were believed to be undersized for the drainage area.

There is a downward trend in a number of major departures or impacts. A major impact is simple delivery of sediment to a stream and may be a negligible amount. One out of every three sites that were reviewed had a major departure. Every site had several minor departures. A minor departure is where there is soil movement but not to a stream.

The wood products industry has participated in this process from the beginning. The conservation community has been involved since the beginning of the BMP process and both have been good faith partners and continue to participate on the teams. Federal agencies continue to participate as well. It is recommended that the process continue. One reason to retain the BMP audits is the educational value associated with the projects.

SEN. GROSFIELD remarked that the numbers are currently very good. He questioned how this information will continue to be evaluated in the years to come. **Mr. Tootell** explained that this is not a statistically sound sample. They reviewed 47 sites and wrote 1,597 new hazard reduction agreements this past year. If a downturn is acknowledged, they will review the causes and address the issues through education. It will take two to three cycles before the statement can be made that there is a reversal of a trend.

CO-CHAIR COCCHIARELLA asked how an individual would report a violation. **Mr. Tootell** explained that a violation in the streamside management law should be reported to the nearest DNRC forestry office. They do investigate the violations on the ground.

Pat Heffernan, Montana Logging Association, stated that one of the reasons the BMP Program is effective is because it gives people an incentive to become involved and shows partnerships being developed with agencies and landowners. He remarked that the non-industrial landowner improvement was very dramatic. It is important that the state of Montana demonstrates how nonpoint source pollution can be effectively controlled through these types of programs. The county road departments could do much more relative to their contribution to pollution. Other agencies, such as the highway department and FWP, should be using similar implementation to achieve TMDL objectives.

Cary Hegreberg, Montana Wood Products Association, remarked that two years ago when the report was given by DNRC on the BMP audit results they pledged that they would focus their efforts on the non-industrial private landowner. They were lagging behind other landownership in their implementation of BMPs. He further stated that **Mr. Heffernan** deserved a lot of credit for the great results brought about as a result of the workshops which are held in conjunction with the DNRC throughout the state. The industry learns many things from the audits. They have analyzed the reaudits and know where the energy needs to be focused in the future. These BMPs are strictly forestry BMPs for protecting water quality. He raised a concern that there are a lot of public agencies that manage lands containing roads that are not using basic water quality protection measures.

The Council recessed at 5:00 p.m. on Thursday, October 29th and reconvened at 8:00 a.m. on Friday, October 30th.

IV STATUS OF DELISTING THE GRIZZLY BEAR

Chris Servheen, U.S. Fish and Wildlife Service, remarked that the grizzly bear has been listed as a threatened species since 1975 in the four states where it occurs; Wyoming, Montana, Idaho, and Washington. A formal recovery program has been underway since 1981. The grizzly bear population is separated into several different units that are not connected with each other. This includes the Yellowstone, Northern Continental Divide Ecosystem, the Cabinet-Yaak Area, the Selkirk Mountains in north Idaho, and the north Cascades. Consideration is underway to reintroduce grizzly bears into the Bitterroot area in east central Idaho. There have been increasing numbers of bears on private lands on the east side of the Northern Continental Divide Ecosystem from the Canadian border down to Highway 200.

To achieve recovery certain things need to be done which include: establish a viable population, assure the habitat for the maintenance of the population exists and is carefully maintained, and assure that adequate regulatory mechanisms are in place. In order to have adequate regulatory mechanisms it is necessary for the states to manage the bear population and to have the legal framework to do so. In Wyoming and Montana,

state laws exist that allow people to kill grizzly bears if they are threatening livestock. Those laws are currently superceded by federal law. For the grizzly bear to be delisted, they would have to show that the state laws are adequate to allow the state to manage the bear population. If the taking of bears is allowed, the state would not have the ability to limit the numbers of dead bears in any particular year. The Wyoming Legislature has changed their law to state that black bears may be killed in defense of livestock but grizzly bears need to be taken by state officials. There are strict limits on both the number of bears that can be killed in any year as well as the number of female bears that be killed in any year.

The Montana FWP has recommended some changes to the state law and their solicitor has reviewed them and agrees that the changes would meet the adequate regulatory mechanisms test. He provided a copy of the proposed changes, **Exhibit 4**, and a memo regarding the solicitor's opinion and adequacy of Montana's existing laws regarding killing of grizzly bears, **Exhibit 5**.

SEN. GROSFIELD asked how long it would take to delist the grizzly bear, given a change in state law. **Mr. Servheen** explained that the Yellowstone population is the healthiest and they will move in that area first. The Yellowstone population is increasing at 4% to 5% per year. The status review process will start in 1999.

CO-CHAIR MESAROS asked how a state management plan could be coordinated under different ecosystems. **Mr. Servheen** believed the Montana FWP would tailor their plans to the specific ecosystems.

REP. OHS asked if there was data related to bear population increase in relation to human/bear encounters. **Mr. Servheen** stated that the department puts out an annual report on human/bear conflicts.

SEN. GROSFIELD noted that the proposed changes eliminated the ability of a livestock owner to use dogs to chase away grizzly bears that are threatening livestock. He questioned whether that provision was necessary. **Mr. Servheen** stated that provision addresses the fact that if one intentionally pursues grizzly bears with a dog, there is great potential for conflict.

MS. SOUVIGNEY noted that this legislation was not proposed by the department in their report to the Council. **Chris Smith, FWP**, explained that the changes were drafted by legal staff within FWP to provide language that would be necessary to comply with the U.S. Fish and Wildlife Service request that Montana statutes be amended.

CO-CHAIR COCCHIARELLA commented that if the legislation was passed, there would still be no guarantee that Montana would have any ability to take control of the grizzly bear issue. **Mr. Servheen** explained that recovery and delisting is their goal. This includes returning the management back to the state. The proposed legislation addresses that the state needs to have adequate regulatory mechanisms at its control to manage the species. The management of the population would fall on the state and habitat management would remain within the land management agencies.

SEN. MESAROS asked if consideration had been given to contingency language in the proposed legislation. **Mr. Servheen** stated that they need to reference the adequacy of existing regulatory mechanisms and could refer to that change upon recovery in state law.

MS. SOUVIGNEY questioned the position of the FWP. **Mr. Smith** explained that it is the state's understanding that without this change in state statute, the U. S. Fish and Wildlife Service will not delist grizzly bears. The Montana FWP does not believe that the changes to the statute are necessary. They are not proposing this language for this legislative session. They will continue to work with the U.S. Fish and Wildlife Service in addressing all the elements related to meeting the requirements to delist the grizzly bear. The FWP believes the most important element is controlling the level of mortality.

REP. TASH asked how the proposed legislation compared to the changes made in Wyoming law. **Mr. Servheen** explained that the Wyoming law stated that people could kill bears to protect livestock. The change included inserted the word "black" and would allow killing of black bears only.

MR. TOLLEFSON questioned how the experimental situation in the Bitterroot would be handled. **Mr. Servheen** explained that the experimental situation included that people may be issued permits to take grizzly bears threatening livestock if it is not possible for the state or federal authorities to manage the bears. An individual rancher could be issued a license to kill the bear when it came in to kill his livestock.

SEN. GROSFIELD questioned why that couldn't be done elsewhere in the state. This would allow the state agency to have control over the number of killed bears. **Mr. Servheen** stated that if the bear was delisted, state law would apply.

Jason Campbell, Montana Stockgrowers Association, remarked that it appeared that the federal government is attempting to carryover endangered species mandates into state law. Private landowners need the ability to protect their property from bears that kill livestock. The permit system could address that issue and reporting measures could address the regulated take. If the bear populations are healthy enough to be delisted, they should be healthy enough for the state to manage.

Mr. Servheen stated that he agreed that the FWP should have the authority to manage bears after delisting and recovery. The current law does not allow the department to limit the number of dead bears. These changes would allow the department to institute a carefully managed program for grizzly bears through their own authority.

V. **HOUSE BILL 132 - AGENCY COMPLIANCE AND ENFORCEMENT INFORMATION REPORT**

► **Department of Agriculture**

George Algard, Dept. of Agriculture, remarked that the department's responsibility under HB 132 is to provide compliance and enforcement information on two acts: the Montana Pesticides Act and the Montana Agricultural Chemical Groundwater Protection Act. When the Montana Pesticides Act was passed it recognized that pesticides were necessary for the control of pests in an agricultural environment. It was also recognized that pesticides could be dangerous. The Montana Chemical Groundwater Protection Act was enacted to protect ground water and the environment from impairment or degradation due to a chemical and at the same time it allowed for the proper use of these same agricultural chemicals. The funding source for both of these acts are fees from the registration of pesticides. Both programs have factors that allow for a good enforcement program. Education is required in both acts. He provided a copy of the Department of Agriculture Report to the EQC, **Exhibit 6**.

Steve Baril, Chief of Field Services Bureau of the Department of Agriculture, reported on the enforcement program for pesticides. The enforcement program includes nine full time employees. Five of the employees work from field offices. These people manage an enforcement program in an assigned district. The funding for their program is from special revenues generated from license fees, product registrations, and an EPA grant. No General Fund revenues are used.

People who use pesticides become qualified by training and becoming licensed. Pesticides used in Montana need to be registered before they are sold or used. The regulated community consists of people who are licensed to use or sell pesticides and includes about 10,000 persons. There are about 8,000 permitted farm applicators, 1,600 commercial or government pesticide applicators, and about 470 dealers.

The primary components of their enforcement program are routine inspections and investigations as well as compliance assistance. They perform approximately 800 inspections per year. They primarily focus on commercial applicators, government applicators and pesticide dealers. They perform a limited number of inspections of farm applicators on key issues such as worker protection standards. They try to inspect every commercial applicator and every pesticide dealer during the first year of licensing. Follow up is in three to five years thereafter. Their inspections are documented and available. They handle approximately 50 to 100 investigations per year. These are in response to citizen complaints or a finding of noncompliance during a routine inspection. The types of complaints they receive involve pesticide drift, runoff and leaching, damage to nontarget plants, and human exposure.

They have an analytical laboratory in Bozeman. Investigations are tracked using standard operating procedures. They provide compliance assistance, especially when new regulations are put into place.

Page 6 of the report shows a 98% compliance rate resulting from routine inspections. When responding to a complaint, there was an 80% compliance rate. In fiscal year 1998 they issued 65 enforcement actions out of 800 inspections and 50 investigations. Eleven civil penalties were issued, approximately 50 written warnings were issued, and eight pesticide products were embargoed. When setting a penalty they consider the significance of the violation, the degree of harm that was caused and how negligent the person was when the violation was committed. Oftentimes they rely on institutional memory which provides consistency in compliance issues. They have an electronic enforcement tracking system and are working on updating the system.

MS. SOUVIGNEY commended the department on the indicators used in the narrative section of the report.

► **Department of Fish, Wildlife, and Parks**

Beata Galda, Enforcement Administrator - FWP, provided a copy of MFWP Enforcement Division Performance Based Budget Measures, **Exhibit 7**. She explained that they currently have 69 field wardens, 10 sergeants, and 7 captains. They have added a Tip Mont and License Fraud Coordinator. The last two pages of the report show percentages of time spent in each of the activities over the past two years.

Regarding poaching statistics, in 1997 there were 100 game violations and 62 were big game violations. There were 33 poaching activities related to fish. In 1996, there were 181 game violations and 149 were big game violations. There were 68 poaching activities related to fish. It is difficult to measure the effects on resources because most of the poaching activities are unreported.

Ms. Galda provided a copy of game farm egress/ingress, **Exhibit 8**. She reported that they are involved in a rule making process and that public hearings would be held next week. They are working on fencing regulations.

Illegal fish introductions are among the most severe threats for fisheries management. Catching violators is difficult. A witness is needed and the situation needs to be observed. The DFWP is using covert investigators. In October of 1997, they cited an individual for illegally importing and planting fish in the Flathead area. He paid several thousand dollars in fines and restitution to rehabilitate the ponds. The fisheries division has documented 340 illegal introductions in 204 waters. They have been working with the Fort Peck Tribal wardens to protect paddle fish in northeastern Montana.

They believe that enforcement is not the answer to illegal fish introduction since the chances of catching and stopping people are not very good. Education is where they have been increasing their efforts. They have increased their press releases and radio spots.

REP. TASH questioned whether the warden budget had been increased or changed. **Ms. Galda** stated that funding is reasonably adequate. The performance based budgeting has given them more flexibility.

SEN. MESAROS questioned whether the warden hours for landowner contacts would be primarily directed toward block management or other activities. **Ms. Galda** explained that this would not include block management enforcement activities. It would include management discussions with landowners and responding to landowner complaints.

► **Report Discussion - EQC**

MS. SOUVIGNEY stated that the Subcommittee discussed how this report should be used and distributed. They agreed that generally both the reports from DEQ and DNRC were a good effort. They answered many of the questions requested. There was some difficulty with the DEQ report due to the split in information with enforcement at one end instead of following along with the information on compliance activities. They also had a number questions that required an agency response. They believed the reports missed a discussion of the significance of violations. This was noted particularly in the DEQ report where there was more discussion of that issue in the previous biennium. They are more interested in focusing on significant violations. They also suggested a little more trend information as it becomes available.

On the follow up questions, they looked at the issue of indicators and how they measured the effectiveness of whether they are meeting the statutory goals and the other staffing concerns involved. A suggestion is for more discussion on the question of what is happening regarding staff. They asked that DEQ consider reintegrating the enforcement information with the monitoring and compliance information. This report should not be used to contrast one department or one agency against another. The executive summary will relate the trends in compliance and enforcement activities. The three reports will be bound together. There is still a question as to whether FWP is included as a part of this report. The EQC will need to make this decision. This report will be available to the natural resource and agricultural committees in both the House and Senate. It will also be made available to any other interested legislators.

John Arrigo, DEQ, requested that they not be asked to rewrite the enforcement section and incorporate it into each of the statutes. One of the difficulties with the original HJR 10 report was that the databases were not available to track a lot of these activities. In reorganization, they have created an enforcement division with a very good database and the ability to track all the complaint information and all the formal enforcement case information. It is very difficult to take a violation from discovery through significance, response, and enforcement. They could list cases individually for comparison purposes.

SEN. MESAROS asked for discussion on whether FWP should be included in the report.

MS. SOUVIGNEY remarked that the two areas they were focused on were the illegal fish introductions and game farms. This information does have an effect on the resources of the state.

MR. TOLLEFSON recommended that this be included in the appendix.

Motion/Vote: MR. TOLLEFSON MOVED THAT THE FWP INFORMATION REGARDING ILLEGAL FISH INTRODUCTIONS AND GAME FARMS BE ADDED TO THE APPENDIX OF THE REPORT. THE MOTION CARRIED UNANIMOUSLY.

MS. SOUVIGNEY remarked that regarding the DEQ report, she is interested in whether the public is able to follow through the permitting, compliance, enforcement, etc. As written, she believes the report is very difficult to read. The report could be accepted for this time with the recommendation that further reports incorporate enforcement and compliance.

Motion/Vote: MS. SOUVIGNEY MOVED THAT THE ENFORCEMENT MEASURES BE INCORPORATED IN THE REPORTS WITH THE COMPLIANCE INFORMATION FROM DEQ. SHE ALSO MOVED TO ACCEPT ALL REPORTS SUBMITTED WITH THE RECOMMENDATION THAT THE NEXT BIENNIUM REPORTS INCLUDE MORE INTEGRATION. THE MOTION CARRIED UNANIMOUSLY.

VI WATER POLICY SUBCOMMITTEE REPORTS AND RECOMMENDATIONS

MS. WILLIAMS provided a copy of the Summary of EQC Water Policy Subcommittee Conclusions and Recommendations, **Exhibit 9**. She explained that the Subcommittee has prepared three reports. The Subcommittee has been serving as the State Water Plan Advisory Committee and is asking the Council to adopt the proposed chapter in the State Ground Water Plan.

► Water Leasing Report

There are four findings. The last finding is new and is in response to a comment concerning why the Subcommittee was not being more aggressive regarding the program. One item has been added to the bill draft which is to include the portion of the statutes that relates to salvage water and allow salvaged water to be leased under the two other instream flow programs.

► Water Policy Report

The first item on page 2 has some additional language noting that the locals have little resources for their activities. The “Recommendations from the Subcommittee’s Gallatin Valley Case Study” were in the last version of the report but were in a matrix rather than a recommendation form.

Under the State Water Plan, the Council had updates on the four topics and staff has documented the analysis. The Subcommittee has converted some of the options to recommendations. The first recommendation is that future Councils serve as the State Water Plan Advisory Committee. The second recommendation addresses local funding needs. The third item is related to BMPs. The last item recommends that this Council make a formal recommendation and a study resolution for a brownfield study in Montana. This is recommended in the State Water Plan Ground Water chapter.

SEN. MCCARTHY stated that the Renewable Resource Grant and Loan Program information was discussed by the Subcommittee and it was decided that it should be deleted from the report.

► **HB 546 Oversight Report**

The first four chapters will be developed into a primer. There has been a lot of documentation and discussion that has gone into this report. Many of the recommendations state that this topic should be included in Council oversight next interim.

Page 4 contains general conclusions which have been presented before with exception of nos. 6 and 7. Item 6 made it clear that the Subcommittee felt that this should be looked at next interim. Item 7 is the conclusion about the primer. There are 13 topic specific policy considerations. All the recommendations have been finalized by the Subcommittee. A noted theme throughout the report is that the Subcommittee discourage any statutory changes at this time. The DEQ is scrambling to implement this program. It is recommended that the Statewide TMDL Advisory Group, the EQC, and others continue to discuss the issues.

“Sufficient Credible Data” involved a discussion about where voluntary monitoring fit into implementation and how Montana will handle water quality management in the future.

“Septic Issues” includes the Voluntary Nutrient Reduction Plan that was recently finalized. The Subcommittee believed that this is a valuable informational resource. There are three efforts that the DEQ is currently working on which include the overlapping jurisdiction, a technical review committee to evaluate current standards for site specific wastewater systems, and the cluster team which is reviewing encouraging the clustering of residential units.

“Water Quantity Relationships” includes two recommendations. This includes exploring potential cooperative opportunities to mesh TMDL objectives with drought planning and continued participation of Montana delegates to the Legislative Council for River Governance.

“BMPs” has four recommendations: 1) appropriate entities work with land user groups to enhance the development and voluntary application of BMPs; 2) public agencies should set an example by adopting BMPs for nonpoint source pollution; 3) an opportunity to make the NPS Management Plan more user friendly and develop some user guides; and 4) further review of incentive programs related to BMPs.

“Interagency Coordination” - The Subcommittee declined to take a position on whether the interagency coordination MOU should be extended. They do recommend that if the Watershed Coordination Council would like to report to an entity, the EQC could provide a forum. There is a recommendation for continued updates of Montana’s participation in the Federal Clean Water Action Plan and the implications that may have on Montana. The Council has already sent a letter to Congress and the Washington DC office of the EPA encouraging flexibility in obtaining and spending of “319” funds. The Subcommittee supports the efforts of

the Watershed Coordination Council and encourages state agencies to dedicate staff and resources to support the same.

“Interaction with Tribes” included two pages of options. It was decided to combine all comments into a general statement.

“Implications of the Lawsuit” - The lawsuit challenges list development and TMDL implementation in Montana. The first item suggests that there be more information showing Montana’s progress in the 303(d) list which would show the status of TMDL development. This topic has also been suggested for oversight next interim.

“Local Involvement vs. Mandatory Timeframe” - The legislation has set up numerous roles and the recommendation is to review how the roles are being fulfilled.

“Funding, Its Use, and the Role of 319 Funds in Program Implementation” - The Subcommittee supports full funding of Montana’s TMDL Program. They also support the exploration of options to address concerns related to ensuring federal 319 funding maximizes nonpoint pollution control benefits to the ground.

“Local Funding for HB 546 Implementation” - Local groups have had difficulty getting started. The DNRC has a funding request to address this concern and the Subcommittee supports that funding request.

CO-CHAIR COCCHIARELLA requested that the report encourage the incorporation of BMPs in watershed activities. REP. TASH explained that this was addressed on page 6. They certainly wish to encourage the voluntary involvement. The Forestry BMPs and seminars could be incorporated into a format for endorsement by the Water Policy Subcommittee and the EQC.

Motion: CO-CHAIR COCCHIARELLA MOVED THAT THE EQC DRAFT A RESOLUTION RECOMMENDING THAT PUBLIC AGENCIES BE ROLE MODELS FOR THE IMPLEMENTATION OF BEST MANAGEMENT PRACTICES THAT PROMOTE ENVIRONMENTAL PROTECTION.

Language to be included: Forestry BMPs in ten years have proven to be effective. Montanans have the expectation that public agencies be accountable for their activities related to the environment. The EQC has oversight over those activities and we should expect our public agencies to be the best when it comes to protecting the environment. Therefore, we ask all public agencies to begin the process of adopting BMPs for nonpoint source pollution and other activities.

REP. OHS suggested adding that the process works well because of the education that takes place. Once people understand what they need to do, it is quite easy to accomplish.

Vote: The motion carried unanimously.

SEN. GROSFIELD questioned if the EQC should be represented as opposing any changes in the statute. SEN. MCCARTHY explained that the Subcommittee believed that the TMDL legislation needed more time before any changes should be proposed. They strongly recommend that the EQC not be a part of any changes.

REP. TASH added that any substantive change may be detrimental to the implement of HB546. It is not their position that they would not recognize that a good bill could be improved.

REP. OHS stated that they do not want to make any changes at this point but there was no discussion regarding actively opposing legislation.

SEN. GROSFIELD remarked that the EQC would not be meeting during the legislative session. If bills were introduced to make significant changes, he questioned the EQC's position.

MR. TOLLEFSON stated that he would be uncomfortable if anyone was speaking for the EQC on a matter which the EQC had not specifically agreed upon. If something comes up, it will need to be judged on its own merit. He suggested that the recommendation be clarified.

REP. TASH stated that the EQC would not want to take a stand of being opposed to any new legislation.

SEN. MCCARTHY stated that it is their hope that the recommendation of the Subcommittee would discourage new legislation coming forward that had not been given a thorough public hearing.

SEN. GROSFIELD stated that the EQC is officially a committee of the Legislature. For the first half of the legislative session, this committee is still active and there is no reason a meeting could not be called.

MS. WILLIAMS stated that there was one general conclusion that the recommendations in this report are in the vein of not rushing to make changes to the new statutes. The two entries on page 5 discourage proposals to make statutory changes to the definition of threatened. The other reference discouraging statutory changes under "Use Support/Classification" because the list needs to be reviewed by the deadline.

REP. OHS stated that the finding is that if there are changes, they need to be done very carefully in coordination with the Statewide TMDL Advisory Group and the other groups involved.

SEN. GROSFIELD questioned the likelihood of an EQC meeting being called in the first half of the session if an issue did arise that would warrant a discussion and an EQC position. MR. EVERTS stated that the EQC met during the 1991 Legislative Session.

Motion/Vote: SEN. MCCARTHY MOVED TO ADOPT THE REPORT OF THE WATER POLICY SUBCOMMITTEE. The motion carried unanimously.

► **State Water Plan**

MS. WILLIAMS reported that the Subcommittee adopted the State Water Plan proposed chapter. The DNRC asks for adoption by the full Council. After adoption, three public hearings will be held and the DNRC staff has committed to advising the EQC if any significant issues are presented in the hearings. After being approved by the DNRC Director, it would be submitted to the Legislature. The Legislature does not need to approve the chapter but can change it by joint resolution.

Motion/Vote: SEN. MCCARTHY MOVED TO ADOPT THE PROPOSAL. The motion carried unanimously.

Motion/Vote: SEN. MCCARTHY MOVED TO APPROVE THE BILL DRAFT REQUEST FOR THE INSTREAM FLOW LEGISLATION. The motion carried unanimously.

Motion/Vote: SEN. MCCARTHY MOVED TO APPROVE THE BILL DRAFT REQUEST FOR THE BROWNFIELD STUDY RESOLUTION . The motion carried unanimously.

SEN. MCCARTHY and REP. TASH commended MS. WILLIAMS for her exceptional work on all of the Subcommittee's projects this interim.

VII GROWTH SUBCOMMITTEE REPORT AND RECOMMENDATIONS

MR. SORENSEN remarked that growth in Montana is a difficult issue to grasp. They decided early in the process that they wanted to change the discussion from the subdivision law to planning. They looked for incentives to encourage local governments to spend more effort planning at the front end and being proactive rather than dealing with growth and development issues in a reactive manner in the subdivision review process. He provided the Council with a summary of findings and recommendations, **Exhibit 10**.

► **Planning and Zoning**

The first recommendation on page 2 is to establish a baseline standard for growth policies. This would be a statutory change and would modify the planning side of the law. They would like to change the term "master plan" to "growth policy". The baseline includes minimum requirements which are basic planning objectives. Item 4 is very significant. The idea is to require that any growth policy for a county address the manner in which they will evaluate the public interest criteria that are now in the subdivision law. This would include the effects on the natural environment, wildlife, and agriculture. This will give counties a framework to use as they deal with subdivisions.

The second recommendation is an incentive to encourage counties to plan. This would allow counties to diminish some of the requirements in the subdivision side of the law if they have addressed those in the growth policy side of the law. This would expedite subdivision review and add a degree of predictability and certainty at the front end for a landowner who might be interested in subdividing property.

► **Citizen Involvement**

Recommendation 2a includes working with the Department of Commerce to develop educational materials.

Recommendation 2b is a legislative change. This would involve modifying the protest threshold and the number of votes needed to change municipal zoning. An example is the Missoula area where there is a public interest in trying to provide for infill development. One of the problems is zoning regulations that provide for large lot developments within the areas that should be infilled. There needs to be a zoning change to accommodate that higher density. The threshold to make the zoning change is very difficult. It can be stopped by a 20% protest of people adjacent to the property. It also takes a super majority of 3/4ths of the city council to effect that change. The recommendation is to lessen the threshold by requiring that the protest be a 40% protest of the neighbors in the vicinity and that the super majority be reduced from 3/4th to 3/5ths.

► **Neighborhood Planning and Zoning**

Recommendation 3a encourages and authorizes neighborhood planning and zoning. There appears to be some success in some areas in neighborhood planning. This recommendation is to add language to the law that clearly states that this is a proactive planning measure.

Recommendation 3b suggests that the next EQC evaluate the citizen petition zoning statute and make recommendations for change if needed.

► **Open Space**

The Subcommittee found that there is a lack of agreement on the definition of open space. They encourage that communities define what they mean by open space and what they want to accomplish. A recommendation is to study the park dedication requirements in the future.

► **Facilitating Development In and Around Urban Areas**

This topic included three findings but no specific recommendations were made.

► **Impact Fees**

This topic is very controversial. The Subcommittee came up with some findings but did not make specific recommendations.

► **GIS**

The subcommittee found that these are very useful tools for planning. A significant recommendation is that the Legislature be asked to appropriate funds for the Cadastral Mapping Project. This project involves working with the Department of Revenue to develop base maps that show every parcel in the county. It is a tremendous planning tool for the community to see all the parcels in their county and over time be able to gauge how the parcels are being subdivided. Other recommendations are continued efforts to consult with local governments in the implementation of the project and support of efforts to coordinate GIS activities and share resources and information.

► **Coordination Between Local Governments**

They discovered a severe lack of coordination between cities and towns and the county. The recommendation is to encourage local governments to communicate and coordinate. Another recommendation is to authorize counties to make contributions to infrastructure within cities and towns.

► **Funding**

Additional state funds should be provided to local governments for planning. Some effort needs to be made to target funds toward planning and establishment of baseline elements of a plan. A recommendation is to authorize additional funding authority for local governments.

► **Subdivision Law**

The Subcommittee recommends that the next EQC study the family conveyance exemption and also the cumulative effect of minor subdivisions.

Motion/Vote: MR. TOLLEFSON MOVED TO ADOPT THE TENTATIVE FINDINGS AND RECOMMENDATIONS OF THE GROWTH SUBCOMMITTEE PENDING COMMENTS RECEIVED AT THE TWO GROWTH CONFERENCES IN NOVEMBER. The motion carried unanimously.

MR. SORENSEN stated that there were two growth conferences in November where the Growth Subcommittee Report will be presented. There may be more information to be added to the report.

Steve Snezek, Montana Association of Realtors, thanked the Subcommittee for their dedication to the task. He added that “growth in Montana” means different things to different people. This report clearly addresses the subject.

MR. TOLLEFSON and MR. SORENSEN commended MS. VANDENBOSCH and MR. MITCHELL for all the extra effort which went into this project.

MR. SORENSEN reviewed the recommendations which required legislation.

- ▶ **1a** - Establish the baseline standard for growth policies.
- ▶ **1b** - Allow governments to provide an exemption for some of the review criteria for subdivisions.
- ▶ **2b** - Modify the threshold and lower the votes needed to change municipal zoning regulations.
- ▶ **3a** - Encourage the neighborhood plan concept.
- ▶ **8b** - Authorize counties to make contributions to infrastructure within cities and towns.
- ▶ **10a** - Provide additional state funds to local governments for planning.
- ▶ **10b** - Provide additional authority to local governments to provide funds for planning.

SEN. STANG explained that the Interim Property Tax Committee has draft legislation for the local option sales tax. MR. SORENSEN questioned whether this proposal would include language to target some of the funds to planning.

Motion/Vote: MR. SORENSEN MOVED TO APPROVE THE BILL DRAFT REQUESTS FOR THE GROWTH SUBCOMMITTEE RECOMMENDATIONS FOR LEGISLATION. The motion carried unanimously.

VIII OTHER BUSINESS

▶ **Adoption of Minutes of the September 10, 1998 Meeting**

SEN. BROOKE stated she was reported as present but was excused from the meeting. The Council approved the minutes as corrected.

IX INSTRUCTIONS TO STAFF, NEXT MEETING DATE AND LOCATION

CO-CHAIR COCCHIARELLA asked Council members to provide recommendations for future EQC issues. She added that the next meeting was set for December 4th and would include a discussion on the size of the EQC, the number of terms of members, etc. The Council was provided with a list of current EQC members which showed the number of terms served, **Exhibit 11**.

MS. SOUVIGNEY suggested that the DEQ provide more information regarding their draft legislation on enforcement at the next meeting. She added that **Mr. Arrigo** was interested in making a presentation to the EQC on this matter and would also include more information on the enforcement manual.

X ADJOURNMENT

There being no further business, the meeting adjourned at 11:30 a.m.

Rep. Vicki Cocchiarella, Co-Chair

Sen. Ken Mesaros, Co-Chair